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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,852	02/23/2004	James Dixon	1285.008US1	9465

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
HARPER, LEON JONATHAN	
ART UNIT	**PAPER NUMBER**
2166	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/784,852	DIXON ET AL.	
	Examiner	Art Unit	
	Leon J. Harper	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10,12-18,20-25 and 27-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-10,12-18,20-25 and 27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/18/205*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 1/29/2007 has been entered. Claims 10 and 18 have been amended. Claims 3,11,19,26 and 30 have been cancelled. No claims have been added. Accordingly claims 1-2,4-10,12-18,20-25,27-29 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2,4-10,12-18,20-25,27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040111431 (hereinafter Zeller) in view of US 20030191806 (hereinafter Oster).

As for claim 1 Zeller discloses: linking employees as a function of the organization information to form a hierarchy of employees (See paragraphs 0032,0037-0038) While Zeller does not differ from the claimed invention the disclosure of extracting organization information from a plurality of data sources is not necessarily explicit. Oster however does disclose extracting organization information from a plurality of data sources (See paragraph 0027);. It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Oster into the system of Zeller. The modification would have been obvious because using profiles and employee data to link organizational relationships and contact information. Profiles will allow updating and displaying to be performed without the labor-intensive manual processing (See Oster paragraph 0002).

As for claim 2 the rejection of claim 1 is incorporated and further Zeller discloses: wherein linking includes displaying a graphical representation of the hierarchy of employees (See paragraph 0001).

As for claim 4 Zeller discloses: providing information regarding the organization hierarchy (See paragraph 0031), wherein providing information includes providing information locating the user within the organization hierarchy (See paragraph 0032); and generating a report, wherein generating a report includes filtering the report as a function of the user's location in the organization hierarchy (See paragraph 0004).

While Zeller does not differ from the claimed invention the disclosure of extracting data from one or more data sources is not necessarily explicit. Oster does disclose extracting data from one or more data sources (See paragraph 0027); The modification would have been obvious because using profiles and employee data to link organizational relationships and contact information. Profiles will allow updating and displaying to be performed without the labor-intensive manual processing (See Oster paragraph 0002).

As for claim 5 the rejection of claim 4 is incorporated and further Zeller discloses wherein generating further includes delivering the report via instant messaging (See paragraphs 0004, 0034 and 0037).

As for claim 6 the rejection of claim 5 is incorporated and further Zeller discloses wherein delivering the report via instant messaging includes indicating active users (See paragraph 0034).

As for claim 7 the rejection of claim 4 is incorporated and further Zeller discloses wherein delivering the report via instant messaging includes retrieving the user's instant messaging address (See paragraph 0034).

As for claim 8, the rejection of claim 7 is incorporated and further Zeller wherein delivering the report via instant messaging includes indicating active users (See

paragraph 0034).

As for claim 9 the rejection of claim 4 is incorporated and further Oster discloses wherein generating further includes delivering the report via email (See paragraph 0037).

As for claim 10 the rejection of claim 9 is incorporated and further Zeller discloses wherein delivering the report via instant messaging includes retrieving the user's instant messaging address (See paragraph 0034).

Claims 12-17 are method claims corresponding to claims 4-9 respectively and are thus rejected for the same reasons as claim 4-9.

As for claim 18 the rejection of claim 17 is incorporated and further Oster discloses 18. wherein delivering the report via email retrieving the user's email address (See paragraph 0037).

As for claim 20 Oster discloses: a processor connected to a plurality of data sources, wherein the processor extracts organization information from the plurality of data sources, determines an organization hierarchy from the extracted organization information and generates a report as a function of a user's place within the organization hierarchy; and means for viewing the report generated by the processor.

As for claim 21 Zeller discloses: a report viewing system (See paragraph 0004);, wherein each data source includes organization information about people within the organization (See paragraph 0010); and a processor connected to a plurality of data sources and to the report viewing system, , determines an organization hierarchy from the extracted organization information and generates a report as a function of a user's place within the organization hierarchy. (See paragraph 0038). While Zeller does not differ from the claimed invention the disclosure of a plurality of data sources wherein the processor extracts organization information from the plurality of data sources is not necessarily explicit. Oster however does disclose a plurality of data sources wherein the processor extracts organization information from the plurality of data sources (See paragraphs 0041 and 0042 note: tables and list). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Oster into the system of Zeller. The modification would have been obvious because using profiles and employee data to link organizational relationships and contact information. Profiles will allow updating and displaying to be performed without the labor-intensive manual processing (See Oster paragraph 0002).

As for claim 22 Oster discloses: extracting organization information from one or more data sources; determining an organization hierarchy from the extracted organization information (See paragraph 0031), wherein determining organization hierarchy includes locating the users within the organization hierarchy (See paragraph 0038); generating a report for each user, wherein generating a report includes filtering

each user's report as a function of the user's location in the organization hierarchy; and delivering the reports via instant messaging (See paragraphs 0034 and 0038). While Zeller does not differ from the claimed invention the disclosure of extracting data from one or more data sources is not necessarily explicit. Oster however does disclose extracting data from one or more data sources (See paragraph 0027). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Oster into the system of Zeller. The modification would have been obvious because using profiles and employee data to link organizational relationships and contact information. Profiles will allow updating and displaying to be performed without the labor-intensive manual processing (See Oster paragraph 0002).

As for claim 23 the rejection of claim 22 is incorporated and further Zeller discloses wherein delivering the report via instant messaging includes indicating, within one or more reports, users who are available on a network (See paragraph 0034) .

As for claim 24 the rejection of claim 22 is incorporated and further Zeller discloses wherein delivering the report via instant messaging includes retrieving each users' instant messaging address (See paragraph 0034).

As for claim 25 the rejection of claim 22 is incorporated and further Zeller discloses wherein delivering the report via instant messaging includes adding links

within each report to supporting data (See paragraph 0038).

As for claim 27 Zeller discloses: extracting organization information from one or more data sources; determining an organization hierarchy from the extracted organization information (See paragraph 0031), wherein determining organization hierarchy includes locating the users within the organization hierarchy (See paragraph 0038); generating a report for each user, wherein generating a report includes filtering each user's report as a function of the user's location in the organization hierarchy; and delivering the reports (See paragraphs 0034 and 0038). While Zeller does not differ from the claimed invention the disclosure of extracting data from one or more data sources, via email is not necessarily explicit. Oster however does disclose extracting data from one or more data sources (See paragraph 0027), and via email (See paragraph 0007). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Oster into the system of Zeller. The modification would have been obvious because using profiles and employee data to link organizational relationships and contact information. Profiles will allow updating and displaying to be performed without the labor-intensive manual processing (See Oster paragraph 0002).

As for claim 28 the rejection of claim 27 is incorporated and further Oster discloses wherein delivering the report via email includes retrieving each users' email address (See paragraph 0037).

As for claim 29 the rejection of claim 27 is incorporated and further Zeller discloses wherein delivering the report via email includes adding links within each report to supporting data (See paragraph 0038).

Response to Arguments

Applicant's arguments filed 1/29/07 have been fully considered but they are not persuasive.

Applicant argues:

With respect to claims 1,21 neither of the cited references teach nor suggest extracting organization information from a plurality of data sources. The solution resulting from correlating data extracted from a plurality of data sources provides many opportunities to add flexibility.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-Broadest Reasonable Interpretation During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA

1969). In this case the definition of a data source is any place from which data originates (Microsoft computer dictionary fifth edition). The Oster reference discloses in paragraphs 0027 and 0028 that the org-chart database includes information on groups and subgroups and that the organizational table also included information extracted from the org-chart database. The org-chart database can be included in the list processing system or it can be a separate database (See paragraph 0027) in either case either the group/sub grouping or the org-chart database and the organizational table would be considered different data sources and therefore disclose a plurality of data sources.

Applicant aegues:

With respect to claims 4,12,22,27 neither of the cited references teach nor suggest extracting organization information from one or more data sources.

Examiner responds:

Examiner is not persuaded. For the claims listed above the claim limitation in question recites "extracting data from one or more data sources." Therefore all that is required from these claims is that there be one **or** more data sources. Since or is used to designate alternate choices and applicant admits that the references at least disclose one data source there is no need to address the alternative situation.

Applicant argues:

Applicant is unable to find among other things the process of inking employees as a function of the organizational information to form a hierarchy of employees.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-Broadest Reasonable Interpretation During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case Zeller discloses that each individual has a profile (See paragraph 0032). These profiles includes information about the employee including awareness data (See paragraph 0035). A user then can select two individuals in the company and construct a organizational view based on a function (function = where person 1 is in the organization as opposed to where person 2 is located).

Applicant argues:

Neither of the cited references disclose delivering the report via instant messaging nor delivering the report via email. Furthermore with respect to claim 10 there is no teaching of locating the user's instant message address.

Examiner responds:

Examiner is not persuaded. Reference is made to MPEP 2144.01 - Implicit Disclosure"[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826,159 USPQ 342, 344 (CCPA 1968) .In this case Zeller discloses that communications can be sent via instant messenger, email, telephone call, video session , still picture communications or a screen session (See paragraph 0044).An artisan of ordinary skill in the pertinent art would realize that if communications can be sent by the methods listed in paragraph 0044 then all generated reports are sent that way too (Since a report is just another form of communication. Moreover Zeller discloses as applicant admits indicating a users ability to receive an instant message. Consequently an artisan of ordinary skill in the pertinent would know that the only way to tell if someone can receive an instant message is to first retrieve the user instant message address and then seeing if communications can be sent to that address.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
April 11, 2007

Mohammad Ali,
Primary Examiner